



## FROM COUNSEL

A Preventive Law Service of The Office of The Judge Advocate General  
*Keeping You Informed On Personal Legal Affairs*

# Collecting Garnished Child or Spousal Support

Federal law (42 U.S.C. § 659) authorizes the garnishment or attachment of pay of active, reserve, and retired members of the military and the pay of civilian employees of the Federal government for child and/or spousal support. The Defense Finance and Accounting Service (DFAS) Cleveland accepts and processes a garnishment or wage attachment against any member of the military or any civilian employee. Visit <http://www.dfas.mil/money/garnish/suppfact.htm> for specific information and requirements. Here are some questions and answers about collecting support that may be helpful.

**Q. How can I collect the child support/alimony which my ex-spouse was ordered to provide in our divorce decree or separation agreement?**

A. For child support, you might want to contact an attorney or your local child support enforcement agency in order to obtain an Income Deduction Order or Income Withholding Order. Visit the Office of Child Support Enforcement's Web Links to State and Local Enforcement Offices at <http://www.acf.dhhs.gov/programs/cse/extinf.htm#exta> for assistance in locating your nearest supporting agency. For alimony, you might want to contact a civilian attorney to obtain a garnishment order. To collect the support/alimony you were ordered to receive, the DFAS-Cleveland Center, Garnishment Operations Directorate, needs an order from a court or child support agency that directs the government to pay support or alimony from the other party's pay. You do not need to send the order that established the obligation (e.g., a divorce/separation decree).

**Q. Can I collect a child support/alimony arrearage?**

A. Yes, if the withholding order directs the collection of an arrearage. The arrears will be paid within the limits the law allows, as discussed below.

**Q. My ex-spouse parent was ordered to provide/maintain health insurance coverage for our child. How can I enforce that order?**

A. Send a copy of the order directing the coverage to the non-custodial parent's personnel office. Do not send these orders to DFAS.

**Q. Must I serve the child support income withholding order or alimony garnishment order by certified mail, return receipt requested?**

A. No, you may serve child support income withholding orders or alimony garnishments on DFAS Cleveland by regular United States mail, or fax. Mail to Defense Finance and Account Service - Cleveland Center, Attention: DFAS-CL/L, P.O. Box 998002, Cleveland, OH 44199-8002. FAX Phone Number: (216) 522-6960.

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**Q. Must I include the payer's Social Security number when I serve a child support income withholding order or alimony garnishment?**

A. Yes, without the payer's Social Security number of the payer, Garnishment Operations will not be able to process the child support income withholding order or alimony garnishment.

**Q. Why am I not receiving the full amount of the ordered child support/alimony?**

A. There are many reasons why you aren't getting the full ordered amount from the income withholding. The most common reason is that the payor does not have sufficient disposable earnings to allow the deduction of the full amount. The Consumer Credit Protection Act limits how much DFAS can deduct as child support/alimony from earnings. The limit ranges from 50 percent (50%) of disposable earnings to sixty-five percent (65%). The full ordered amount of child support/alimony will be deducted as long as that amount does not exceed the maximum percentage allowable. Here is an explanation of when the different maximum percentages apply:

- 50% of disposable earnings is the maximum percentage allowable if the payer provides proof that he/she is providing more than half the support of dependents other than those for whom the support is to be deducted, and if the payer has not accrued an arrearage. (This will increase to 55% if the payer has accrued an arrearage.)
- 60% of disposable earnings is the maximum percentage allowable if the payor has not provided proof that he/she is providing more than half the support of dependents other than those for whom the support is to be deducted, and if the payer has not accrued an arrearage. This will increase to 65% if the payer has accrued an arrearage.

**Remember:** these percentages apply only if the payer does not have sufficient disposable earnings to allow for the **full ordered amount** to be deducted.

**Q. What happens if there are multiple child support income withholding orders in effect against the pay of the same payer?**

A. If the payer has sufficient available disposable earnings, DFAS will authorize the payment for the full amounts of both/all orders. If there are insufficient available disposable earnings and the Consumer Credit Protection Act limitations apply, DFAS will divide the available disposable earnings so that a *pro rata* share of the available earnings is paid toward each obligation. DFAS calculates the *pro rata* shares by dividing the amounts of each order by the total amount of disposable earnings available to determine what percentage of the available disposable earnings will be paid toward each obligation. This is very similar to the allocation procedures followed by most states and U.S. Territories. Allocating ensures that all children are at least partially provided for by the payer.

**Q. What happens when there are multiple child support orders for the same obligation?**

A. In cases where DFAS can determine from the information provided in both orders that both are ordering payment for the same child(ren) and payable to the same payee, DFAS will honor the most recently served order.

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